IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,

:

V.

Case No. 1:10cr200 (LMB)

LEE BENTLEY FARKAS,

.

Defendant.

<u>DEFENDANT LEE BENTLEY FARKAS' RESPONSE TO THE</u> <u>POSITION OF THE UNITED STATES WITH RESPECT TO RESTITUTION</u>

COMES NOW the defendant, LEE BENTLEY FARKAS (hereinafter, Mr. Farkas), by counsel, and for his response to the position of the United States with respect to restitution (hereinafter, the government's position) he states as follows:

- Mr. Farkas plead not guilty, was tried and was convicted by the jury. He
 has been sentenced and has initiated appeal proceedings concerning his
 conviction.
- 2. Therefore, Mr. Farkas does not agree that a restitution obligation in any amount should be imposed upon him in this matter, including that proposed in the government's position.
- 3. If any restitution obligation is imposed against Mr. Farkas, any such obligation should be imposed jointly and severally with the other, "related" defendants referenced in the government's position, and any payments made by any of those other defendants should also be credited to the obligation imposed upon Mr. Farkas.

- 4. Mr. Farkas does not have any objection to, or opinion concerning, the amounts of restitution proposed in the government's position with respect to the other defendants referenced therein.
- 5. In light of the thirty (30) year prison sentence imposed upon him by the Court, his current age, his projected age and employability at the time of his release from prison and the status of the forfeiture proceedings in this matter, the reality is that any restitution obligation imposed against Mr. Farkas, and specifically the \$3.5 billion sought by the government, is a triumph of form over function. Even the nominal periodic payments referenced in 18 U.S.C. §3664(f)(3)(B) appear out of Mr. Farkas's realistic reach at this point in time and in the future.
- 6. Pursuant to 18 U.S.C. §3664(f)(2), the Court should establish the manner and schedule of restitution payments for Mr. Farkas and the other defendants in the restitution order.

Respectfully submitted,

LEE BENTLEY FARKAS

By:

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to at least the following registered ECF users:

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